

1 A No. I would say, I would say probably not.

2 Q So it -- you're not, you're not suggesting that any
3 of these named licensees had anything to do with the --

4 A Not in the least.

5 Q Okay. I would also ask you about the, the duplicate
6 transmissions and I believe that in response to questions by
7 Ms. Foelak you explained that, you know, one of the factors in
8 your opinion that it probably wasn't Capitol was the nature of
9 the duplicate transmissions and I just want to establish what,
10 what you meant by that. Based on your knowledge of the
11 duplicate transmissions that occurred as evidenced by PRB 16,
12 I believe, is 152.48, are there -- is there enough what I will
13 call dummy transmissions to obstruct the transmissions of RAM
14 -- of RAM's pages?

15 A No. I was trying to -- I thought I had made that
16 point. There seemed to be -- the times involved in the, in
17 the transmissions on 152.48 -- for instance, there may a
18 minute or a minute-and-a-half between transmissions and this
19 is supposed to be an accurate record of when these calls came
20 in -- indicate to me that, that they would be sent out onesy,
21 twoseys, fiveseys, whatever, but not very long at a time
22 because there are time breaks in these things that are quite
23 large and the channel would have been idle during these
24 periods, many of these frequently idle I should say.

25 Q And what significance would that have as far as your

1 opinion as to the reason or the source of those
2 retransmissions?

3 A Well, there really wasn't then any RF interference
4 occurring on that channel per se. There was channel occupancy
5 occurring but not really any harm to anybody on the channel.
6 I mean, there is a series of transmissions that went on that
7 came from here. We know that. These reports show that.
8 That's Exhibit 16 and 17. Exhibit 16 shows what was
9 transmitted on 152.48. That purportedly was a copy and is a
10 copy of the transmissions that occurred on 152.51. But, but
11 when I started looking through this list the thought that
12 struck me quite -- you know, because the times are set out to
13 the right side of the list, it occurred to me that there's a
14 lot of time between these transmissions and the transmissions
15 themselves don't occupy the total time between the times
16 listed on this list, so if that's the case, then the, then the
17 interfering transmitter on 152.48 would have dropped down. At
18 that point somebody else could have picked up the channel if
19 their monitor was -- you know, their monitor would, would note
20 that. So, so this was a flip-flop arrangement or it appears
21 to be a flip-flop arrangement and there's a lot of -- there's
22 very little harm in these, in these transmissions. They're
23 only -- I mean, they're just quite infrequent.

24 Q Okay. You were also asked some questions about --
25 by Mr. Joyce about the need to, and the phrase I believe that

1 | was used, rise to the occasion as you experience interference
2 | problems and you go to the next level to try to resolve them.
3 | Do you recall that --

4 | A Yes.

5 | Q -- line of questions? Now, in your experience have
6 | you ever run across a situation where the co-channel licensee
7 | was, was an antagonistic toward a new sharer as --

8 | MR. JOYCE: Objection, Your Honor. There is no
9 | foundation for that question.

10 | MR. HARDMAN: Well, Your Honor, this witness has
11 | testified in response to a question that he has been down this
12 | road many times with, you know, competitors sharing a channel
13 | and trying to work out the interference problems.

14 | MR. JOYCE: If he wants to testify about how well
15 | people generally get along on a frequency, fine. I object to
16 | the characterization of RAM's operations as being
17 | antagonistic.

18 | MR. HARDMAN: Well --

19 | JUDGE CHACHKIN: Well, don't use the word
20 | antagonistic and ask your question.

21 | MR. HARDMAN: All right.

22 | BY MR. HARDMAN:

23 | Q Have you, have you in your experience ever
24 | encountered a situation where the two parties -- where the
25 | climate -- the atmosphere between the two parties was as

1 hostile as in the present situation?

2 A That's going back a lot of years. Mr. Hardman, I
3 don't know whether I can answer that question. I can't recall
4 any.

5 Q All right. Well, at least -- if you have to stop
6 and think about it, would it be fair to say that it's at least
7 very unusual in your experience?

8 A Yes. I -- that's fair.

9 Q All right. You were also asked questions about the
10 relative narrative of recommending 152.48 megahertz versus
11 157.74 megahertz, and are you familiar with whether there are
12 more operating stations on 152.48 megahertz as opposed to
13 157.74 megahertz?

14 A Without having performed a study on it, I -- my
15 impression is that there are many, many, many more licensees
16 on 152.48 than there are on the other.

17 Q And would that fact have any significance as far as
18 the likelihood of networking is concerned?

19 A To me it would, yes.

20 Q What impact would that have?

21 A I mean, it would greatly increase the networking
22 prospects.

23 Q And does this have anything to do with the terms of
24 any Network USA franchise?

25 A Does my opinion? Not really.

1 Q No. Well, the probability of being able to network
2 on 152.48 given that --

3 A Did I consider that, that particular network in --

4 Q No. I'm sorry. I'm confusing you. Given the fact,
5 as I believe you just testified, that there are many more
6 stations on 152.48 megahertz than on 157 and does the terms of
7 any Network USA charter derogate from your conclusion about
8 the possibility of networking on 157.74 versus 152.480?

9 A Not at all.

10 Q I have just one last line of questions. You were
11 asked a number of questions by Mr. Joyce relating to the tone
12 pages or the tone sequences that the FCC inspectors heard when
13 they monitored versus the legitimacy of RAM's -- I'm sorry, of
14 Capitol's testing and the testimony of Mr. Harrison relating
15 to the purpose of that testing. In your opinion is there any
16 inconsistency in the tone sequences that you heard the FCC
17 inspectors describe and the testing that you heard Mr.
18 Harrison describe?

19 A None at all.

20 Q Well, is it necessary to have -- if you're testing
21 voice pages is it necessary to have voice messages as part of
22 the test?

23 A Not at all.

24 Q And referring now to RAM Exhibit 4 which is the text
25 of 90.405 on permissible communications --

1 A Yes.

2 Q -- now, is there anything in subparagraph (3)
3 concerning the permissible scope of testing that is
4 inconsistent with your engineering understanding of testing --

5 A None at all.

6 Q -- and the justification for it?

7 A None at all.

8 Q And referring to that same portion of the rule, do
9 you interpret this as saying that excessive testing is
10 necessarily harmful interference within the meaning of the
11 rule?

12 A That excessive testing?

13 Q That -- yes. Given that we have some difficulty
14 understanding exactly when that occurred but would -- as you
15 interpret this rule, if you did too much testing or excessive
16 testing, would that necessarily constitute the harmful
17 interference that the licensees are supposed to avoid?

18 A Yes, I believe it would.

19 Q Okay. On the testing then that Capitol engaged in,
20 and there was the extended colloquy on how one determines
21 whether communications such as tones that you hear on a
22 channel constitute legitimate transmissions, I gather your
23 quarrel with the questions propounded by Mr. Joyce were who
24 makes the determination that these tones or whatever they are
25 are, in fact, legitimate transmissions or not?

1 A Oh, absolutely. Yes. I mean, that's -- that was my
2 argument all along.

3 Q And as I understand your testimony the clarification
4 you were trying to make was -- well, without prolonging this
5 --

6 JUDGE CHACHKIN: Who are saying made the
7 determination?

8 MR. PETERS: I say that it wasn't up to the licensee
9 to make the determination.

10 JUDGE CHACHKIN: All right. Okay.

11 MR. PETERS: But that -- and I tried to avoid that
12 issue but I kept getting pushed over that way.

13 MR. HARDMAN: That's the clarification I was looking
14 for. I have no further questions.

15 JUDGE CHACHKIN: Does the Bureau have any further?

16 MS. FOELAK: Yes, just one question on recross.

17 RECROSS-EXAMINATION

18 BY MS. FOELAK:

19 Q You just testified that looking at PRB Exhibit 16
20 and 17 that no harm was caused by the retransmissions on
21 152.480. Would such retransmissions not have the tendency to
22 busy up the frequency and cause a co-channel licensee to delay
23 pages?

24 A Yes, and -- yes, it certainly would and, from a
25 delayed point of view, however you want to interpret that,

1 that delay, that would be fine, but I was talking about from a
2 technical view the -- there was no RF interference that I
3 could tell that has come out and there was ample opportunity
4 to grab the channel. In other words, there was no attempt to
5 hog the channel and really push hard and make the delays
6 excessive, these delays that will last, you know, less than a
7 minute and some of them just about a minute or something on
8 that order and then the switch could occur.

9 Q So there was no collision but they was delay or the
10 potential for delay anyway?

11 A Yes. Yes.

12 MS. FOELAK: That's all I have.

13 MR. JOYCE: But, Your Honor --

14 JUDGE CHACHKIN: You have what, Mr. Joyce?

15 MR. JOYCE: I have five recross questions.

16 JUDGE CHACHKIN: Are they new areas that were opened
17 up?

18 MR. JOYCE: No. It's just what he went into with
19 --

20 JUDGE CHACHKIN: Well, if they are merely following
21 up on your cross-examination --

22 MR. JOYCE: Oh, no, it's not at all. It's in
23 response to his redirect.

24 JUDGE CHACHKIN: Well, I'll permit you -- I will
25 hear the questions and --

1 MR. JOYCE: It's very limited to his redirect, I
2 assure you.

3 RECROSS-EXAMINATION

4 BY MR. JOYCE:

5 Q Mr. Peters, you just mentioned on redirect -- Mr.
6 Hardman wanted you to clarify who this culprit might be with
7 the third transmitter and I believe you said that it's
8 probably somebody who's out there operating coincidentally
9 near Capitol's service area but probably without a license.
10 Is that fair to say?

11 A I think I was more specific. I think I said in, in
12 the immediate Charleston area and probably downtown
13 Charleston.

14 Q Okay. But I'm looking at this report and you also
15 said that the curious thing about the report is you see that
16 nobody actually missed a page? Correct?

17 A No. I didn't say that at all.

18 Q Oh, I'm sorry. I thought you said that the report
19 shows that there was no collision, that the pages go out but
20 they were delayed. Isn't that what you said?

21 A No.

22 Q I'm sorry.

23 A I'm sorry if I confused you. Let me, let me just
24 embellish on that. What I'm saying is that the, that the
25 proper transmissions, say by RAM who had a lot of traffic on

1 the channel, would have gone out on 152.48 and that the, that
2 the kind of interference that's shown in Exhibit 16 would not
3 have been a major impediment to those transmissions.

4 Q I follow. But I thought you were saying that it
5 would appear that actually the operator on 152.510, the
6 saboteur or whatever, was actually holding back his
7 communications and then sending them out because that's how
8 you can see that a page went from one to the other. Didn't
9 you say that?

10 A Yes.

11 Q Okay.

12 A Yes. They had a -- somebody, whoever did this, in
13 my view had some kind of a channel monitor on so they wouldn't
14 step on somebody.

15 Q That's my point. Isn't that, isn't that the
16 darnedest thing, that --

17 A Yeah.

18 Q Because we know that Capitol is monitoring that
19 frequency, right?

20 A No. I would suggest to you that Capitol probably
21 wasn't monitoring that frequency.

22 Q Oh, no. We, we know --

23 A Oh, I don't mean -- I'm sorry. What -- you were --

24 Q We know they are.

25 A Yes. I'm sorry.

1 Q Sure.

2 A Their busy monitor was on the frequency --

3 Q Exactly.

4 A -- but nobody was listening to the frequency.

5 Q Exactly. Exactly. And that's, that's the darnedest
6 thing because both Capitol and RAM are, indeed, properly
7 monitoring 152.48. You've already told us and Mr. Raymond has
8 told us that, right?

9 A Yes.

10 Q Okay. So for this, this sabotage to work as cleanly
11 as see in this reports, for Capitol's page to go onto 152.48
12 and not just collide with ongoing transmissions on 152.48, the
13 perpetrator had to actually have monitoring equipment on his
14 transmitter?

15 A Oh, yeah.

16 Q Isn't that correct?

17 A The monitor and the Hark verifier were part of my
18 proposition.

19 Q I know. So that's what I -- what seems odd in your
20 hypothesis is that an unlicensed operator comes into Mr.
21 Raymond's back yard, drops a transmitter, wires it up and he's
22 meaning to cause this sabotage so he hooks it up to a terminal
23 and creates this software package to do this, but he's also
24 monitoring the channel for, for co-channel communication.

25 A Meaning he doesn't step on it.

1 Q Right.

2 A Okay. You're not going to like my proposition here.

3 Q Oh, I'll take whatever you want to say, Mr. Peters.

4 A Okay. Whoever did this wanted to make darn sure
5 that the transmissions on 152.48 were decodable and if they
6 had stepped on and had two signals on that channel, if they
7 had stepped on RAM in this process, the Hark verifier wouldn't
8 have been able to decode that and produce Exhibit 16.

9 Q Sure.

10 A But as long as they have a monitor and they share
11 the frequency, then the Hark verifier would pick up all of
12 these signals, produce a nice report. I'm unfortunately
13 zeroing in in a direction you really don't want me to go.

14 Q No, you're not at all, Mr. Peters, because that,
15 that still troubles me.

16 A Okay.

17 Q Why would the saboteur want to be sure that there is
18 an accurate record, that the Hark verifier would actually show
19 that the cause of the busying up of the channel started with
20 Capitol's RCC communications? Why would they care?

21 A Mr. Joyce, if somebody wanted to show that Capitol
22 was such a bad outfit and they were sinister guys and they
23 wanted to create just havoc on that channel, that they would
24 duplicate their 152.21 -- the 152.51 traffic on 152.48, they
25 would definitely go to this, to this extreme to produce

1 something like this. This is the nail in the coffin unless
2 you understand that this could have been hokey. This doesn't
3 have to be Capitol at all. Nobody has pointed to a Capitol
4 transmitter and said it came out of that transmitter. It's
5 easy to do that. That's the first thing you do in an
6 interference case when you're trying to sniff out
7 interference. Nobody has done that. There's no link to
8 Capitol.

9 Q Mr. Peters, I wish I could agree with you that this
10 was simple, but this seems extremely difficult to me for an
11 unlicensed operator to have installed a transmitter --

12 JUDGE CHACHKIN: I think you're missing the drift.
13 I think you're suggesting that RAM could have done it. Is
14 that what you're suggesting?

15 MR. PETERS: Unfortunately that's what I'm pointing
16 at.

17 BY MR. JOYCE:

18 Q Well, why would they send two of their people out
19 into the field, take the chance of getting fined by the FCC
20 for, for installing a transmitter without a license, and how
21 would they have access to Capitol's customer list and be able
22 to almost instantaneously, within three, three seconds, have
23 their people, their monitoring, send this -- Capitol's
24 transmissions which had just gone out -- I mean, they have no
25 control over it. Capitol's doing it -- capture those pages,

1 take out a few of them and then while all this is going on
2 they're busying up their own channel, Mr. Peters?

3 A Very, very simply, Mr. Joyce. If I sent two young
4 technicians out or one, as the case may be and I think his
5 name was Mr. Blatt, and said you go out and measure those two
6 channels and I want a recording. Get an output from those two
7 Hark verifiers. And this is -- this would have been his
8 result and Mr. Blatt would have gotten on the stand and said I
9 honestly measured these things and this is what I got, and he
10 would have.

11 Q Aren't there --

12 A Listen to me. I'm not finished with my story.

13 Q I'm sorry.

14 A He would have. Now, you're asking me how that could
15 have been done. I told you earlier that it could have been
16 done very simply. There's no rocket science in this.

17 Q And, of course, just to leave this topic, but RAM's
18 busying up its -- I mean, its delaying pages to its own
19 customers, as Ms. Foelak went into with you, when they do this
20 because each time they're intentionally causing Capitol's
21 pages to be chained onto their own frequency, that delays
22 their real customers' pages from going out? Correct?

23 A I -- yes.

24 Q All right. But didn't Mr. Bobbitt testify that this
25 was going on from August to October of 1992?

1 A I don't know. I mean, there's only one record and
2 if you listen to the channel -- if you just turn on a receiver
3 and start listening to the channel, one, you won't be able to
4 tell who's transmitting at what time because it's all pretty
5 much digital gibberish. You wouldn't be able to tell who's
6 transmitting because I think there is very little distinction
7 between RAM transmitters and Capitol transmitters because
8 they're both properly tuned.

9 Q Let's stop there. Mr. Blatt said that the Hark
10 verifier manages to hone in on some unique aspect of both
11 Capitol's and RAM's transmitters.

12 A That's precisely why I think there was a third
13 transmitter.

14 Q Okay. Proceed.

15 A That's exactly why I think there was this third
16 transmitter because the two primary transmitters on the
17 frequency, RAM and Capitol, both had very similar
18 characteristics and were sending the same kind of digital
19 modulation. The Hark verifier would not have been able to
20 distinguish between those two signals. That's my postulate --
21 postulation. So there's a third signal somewhere and that's
22 the one that was picked up here and that signal is not
23 deviated nearly as much as the, as the two principle ones so
24 it has a lower level. The Hark verifier auto-lockup feature
25 can be pushed to lock in on this lower level signal and start

1 decoding this Exhibit No. 16.

2 Q Now, Mr. Blatt testified, and there's a declaration
3 to that effect, that he first used the Hark verifier to
4 determine what was going on in August of 1992.

5 A Yes.

6 Q Do you recall that?

7 A Yes.

8 Q Okay. So this is October of '92?

9 A Yes.

10 Q Okay. So although you said earlier --

11 A I'm sorry. Would you say the dates again, please?

12 Q August through October of '92.

13 A He did it once at August that we know about.

14 Q Correct.

15 A He did it again in October.

16 Q Correct.

17 A Two times that I remember.

18 Q I think he said there were more but, in any event,
19 what I'm trying to focus on is, is the time.

20 A That's fine.

21 Q All right. So it's August, September, October. For
22 three months now you're saying that RAM operated an
23 unauthorized transmitter -- hang on a second.

24 A Whoa.

25 Q Hang on a second. Well, this is your hypothesis.

1 For three months RAM or somebody operated an unlicensed
2 transmitter on Capitol's frequency that Capitol did not detect
3 somewhere near Capitol's bay station and while they were doing
4 this, in an effort to produce evidence that the FCC would use
5 against Capitol, while they were doing this, during that
6 period they were causing their own customers' pages to be
7 delayed for three months.

8 A First, Mr. Joyce, I think you have it reversed in
9 your question. I think instead of Capitol -- transmitters on
10 Capitol's frequency, the transmitter was on RAM's frequency,
11 152.48, the shared frequency.

12 Q How could they transmit a Capitol page that's sent
13 out from Capitol's RCC paging transmitter through their own
14 152.48 frequency almost at the same time?

15 A They're not almost at the same time. There are
16 minutes between them, seconds, 30 seconds, a minute. They're
17 not anywhere close to being the same time.

18 Q How were they capturing that information?

19 A Okay. We're going to do this -- this is No. 3 that
20 we've gone through this and if you'd like I've prepared a
21 block diagram. I'd be happy to --

22 Q No. That's quite all right.

23 A Okay. The Hark verifier picks up --

24 Q And, mind you, Mr. Peters, if everybody else
25 understands this, I'll leave this topic immediately.

1 A Hark verifier -- whatever you want to do, but you
2 asked me the question and I'm ready to respond. A Hark
3 verifier is used to decode the 152.51 information data.

4 Q Okay.

5 A All right? The output from the Hark verifier is
6 just computer data, looks just like anything else.

7 Q Okay. Let's stop there. Mr. Blatt is in this
8 conference room. Mr. Hardman went into excruciating cross-
9 examination with him. He's in a conference room somewhere
10 with this Hark verifier. Correct? Do you remember that?

11 A Yeah.

12 Q Okay. So, this mystery transmitter that you're
13 referring to, just so I'm following you, is certainly not in
14 that conference room according to Mr. Blatt's testimony?
15 Correct?

16 A I don't think Mr. Blatt knows anything about this.

17 Q Okay. But just so we understand fact and theory
18 here. So the data from Mr. Raymond's transmitter is coming to
19 Luke Blatt in a conference room on this Hark verifier, okay?

20 A No, sir. No, sir. This has nothing to do with Luke
21 Blatt or, or RAM or the conference room or anything else.
22 This is a device which is placed someplace. It could be in
23 the next block, someplace.

24 Q Well, what is the name of this device you're talking
25 about?

1 A You ready?

2 Q Please.

3 A Okay. It is a receiver connected to a Hark
4 verifier, connected to a PC computer, connected to a
5 transmitter.

6 Q But that's my point, Mr. Peters. Luke Blatt
7 testified that the only Hark verifier that the RAM folks had
8 were with him.

9 A No, no.

10 Q He had --

11 MR. HARDMAN: Your Honor, I object to -- he had been
12 -- that's not -- there is no foundation for the postulate in
13 the evidence. Nobody asked him if these were the only Hark
14 verifiers RAM had.

15 MR. JOYCE: Oh, yes, they did.

16 BY MR. JOYCE:

17 Q Mr. Peters, do you remember when I went over this
18 with Luke Blatt?

19 A Uh-huh.

20 Q All right.

21 A Yes, I do.

22 Q Now, in August he testified that he had one Hark
23 verifier and he -- you saw him on the stand. The guy was very
24 sincere, was he not?

25 A Of course.

1 Q All right. In August of 1992 -- I remember
2 distinctly and I have a pretty good memory. He said he had
3 one Hark verifier, did he not?

4 A Yes.

5 Q Okay. And I thought that was interesting and I
6 think you understand why, too, because this test obviously
7 would have been a lot more graphic if he had more than one at
8 that time, would it not?

9 A It makes no difference to me.

10 Q Okay. But it was important enough to Luke Blatt and
11 the RAM folks for them to get a second Hark verifier and he
12 testified that in October when they did this he had two Hark
13 verifiers. Correct?

14 A He said that he knew about and had two Hark
15 verifiers. That's correct.

16 Q Okay. But just so I understand what you're talking
17 about now, for this gizmo you're talking about to capture
18 Capitol's paging transmissions and to do this subterfuge,
19 whoever it is had to have an additional Hark verifier?
20 Correct? That's --

21 A I don't know whether it was additional or not.
22 That's your term. If it was additional then it must have been
23 RAM doing this.

24 Q But in October --

25 A But if it was someone else, it was -- they had a

1 Hark verifier.

2 Q Okay. But in October, Mr. Peters, these two Hark
3 verifiers are busy doing something else. In October these two
4 Hark verifiers are sitting right next to Ray Bobbitt and Luke
5 Blatt and they're producing these reports, okay?

6 A That's absolutely true.

7 Q So there is -- when these reports are produced there
8 is a third Hark verifier? That's what you said.

9 A Oh, I think there probably has been all along.

10 Q Okay.

11 JUDGE CHACHKIN: Is there any evidence in the record
12 that Capitol owns a Hark verifier, owned one at this time?

13 MR. JOYCE: Capitol?

14 MR. PETERS: No.

15 MR. JOYCE: No.

16 JUDGE CHACHKIN: But does -- did RAM own another
17 Hark verifier at this time?

18 MR. JOYCE: These are the only two that ran them.

19 JUDGE CHACHKIN: Owned?

20 MR. JOYCE: Or used. I've never heard of a third

21 --

22 JUDGE CHACHKIN: Well, I don't know, but we do have
23 evidence in the record that Capitol didn't own a Hark
24 verifier.

25 MR. JOYCE: Did not, right.

1 BY MR. JOYCE:

2 Q But the point is, Mr. Peters, and I appreciate the
3 Presiding Officer telling me, the point is Capitol didn't have
4 to have a Hark verifier and put up an additional transmitter
5 and do all that kind of stuff to do this, did they?

6 A I think probably they would have.

7 Q No.

8 A Now, let me, let me explain my statement. In the,
9 in the processing of pages out of their terminal, if you're
10 chaining theory holds true, the order of the occurrence of
11 these pages wouldn't change.

12 Q And it hasn't changed here, has it?

13 A I think it probably has if you'll check the list
14 carefully.

15 Q Okay. Let's do it then because this is very
16 important. Where do you show me that the order -- give me any
17 example where the order of Capitol's pages --

18 A All right. Hold on just a minute.

19 Q Sure. Now, while you're waiting for Mr. Hardman to
20 give you an example, I guess -- is that what you're waiting
21 for?

22 A Yes, uh-huh.

23 Q Okay. You remember Ray Bobbitt saying that the Hark
24 verifiers are not 100 percent accurate? Correct?

25 A Yes.

1 Q Okay. So perhaps every once in awhile maybe the
2 Hark verifier heard Capitol's pagers one, two, three, in that
3 order and maybe some other times it heard them two, three,
4 one. That's possible, isn't it?

5 A No.

6 Q It's not possible at all?

7 A Not, not if the Hark verifier's decoding what's
8 going out on the channel in the order -- the sequence is one,
9 two, three. It's not going to invert that sequence. It
10 can't. It doesn't -- it's not -- it doesn't do that.

11 Q But wouldn't it be possible for somebody -- let me
12 back up, Mr. Peters. You heard Ray Bobbitt explain how a
13 Commonwealth terminal could have chained this page to make
14 Capitol --

15 A I'm acquainted with paging, yes.

16 Q Okay.

17 A I mean with chaining, yes.

18 Q Okay. And you heard Luke Blatt say that he spoke
19 with the Commonwealth folks and they said although -- perhaps
20 some time ago they were unaware that you could do this.
21 Apparently he spoke to them and he said -- well, as a matter
22 of fact, yes, you could enter a chain command to produce a
23 result like this. Wasn't that roughly what his testimony was?

24 A I don't remember Mr. Bobbitt --

25 Q No, Mr. Blatt. I'm sorry. Because Ken Hardman went

1 over this with him on cross-examination. He said would it
2 surprise you if I told you that Commonwealth terminals can't
3 do this and Mr. Blatt said well, I was surprised but I called
4 up the Commonwealth representative and he said yeah, with the
5 chain command you can do this. Do you remember that?

6 A I -- yes. It's vague, but I do remember that.

7 Q Okay. That is what he said and, again, you can take
8 a look at the record but I have a pretty good memory.

9 A Yes.

10 Q So the fact of the matter is although you say that
11 Capitol couldn't do this --

12 A I didn't say that, sir.

13 Q Oh, well, they could do this then. I mean, isn't
14 that, isn't that the point? Capitol -- quite simply, it would
15 have been a chain command in their own terminal. All they
16 would have to do -- and Mr. Raymond and I went over this in
17 great detail yesterday. I mean, it wouldn't take all this
18 extra stuff about putting a transmitter up or, or even
19 patching into the network or anything. I mean, the simplest
20 way to busy up the channel would be if somebody in Capitol's
21 office sat in front of their terminal, simply entered the
22 chain commands and did this. Wouldn't that be the simplest
23 way?

24 A There's a problem with what you're saying.

25 Q What is it?

1 A The problem is that the -- that to do that the
2 terminal would send out pages in a relatively rapid sequence
3 and there wouldn't be a minute or two minutes delay between
4 each one. Okay? They would tend -- the terminal would tend
5 to batch these pages just as it would pages coming in on a
6 normal basis and would zap them out, and I think you'll see
7 that if you examine those lists there are numbers of pages
8 that are batched, but when you examine what comes out on the
9 152.48 those pages are not batched, so something, something
10 has intervened here that unbatches pages or puts time between
11 individual pages on 152.48.

12 Q And I think I've figured out what that is, Mr.
13 Peters.

14 A Okay.

15 Q And I think Ray Bobbitt and I figured out what it is
16 and it simply has to do with the fact that Capitol, as Mr.
17 Raymond has testified, now has about 10,000 paging units
18 operating on its RCC paging frequency. Do you remember that
19 or you weren't here when he testified to that effect?

20 A I wasn't here and I have no way of knowing.

21 Q So the -- and RAM which is sharing the 152.48
22 frequency has 5- to 10,000 pagers and they, they both store in
23 their terminal. They store up a bunch of pages. Isn't that
24 sort of how they work?

25 A That's the batching process, yes.